

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES EDWARD HUEBLER,
Petitioner,

Case No. 3:05-cv-00048-RCJ-VPC

ORDER

vs.

LENARD VARE, *et al.*,
Respondents.

This is a counseled habeas corpus petition pursuant to 28 U.S.C. § 2254. Before the court is petitioner's voluntary motion to dismiss (ECF #86). Petitioner explains that the Pardons Board has granted his request for release from the custody of the Nevada Department of Corrections due to poor health. Respondents filed a response to clarify that Rule 41(a) of the Federal Rules of Civil Procedure governs voluntary dismissal (ECF #87). Respondents also state that they do not oppose the voluntary dismissal provided that it is with prejudice. *Id.* Petitioner filed a reply indicating that he agrees that the dismissal is with prejudice (ECF #88), and he filed his declaration, which indicates that he has discussed his case with his attorney, including the consequences of dismissal, and wishes to voluntarily dismiss his petition with prejudice (ECF #89).

